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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 001139

SIPDIS

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SUBJECT: TURKISH COURT ORDERS CLOSURE OF GAY-LESBIAN
ADVOCACY GROUP

REF: ANKARA 1103

Classified By: A/Political Counselor Kelly Degnan, reasons 1.4 (b),(d)

11. (C) Summary and comment. An Istanbul court ruled May 29 that lesbian, gay, bisexual, transgender, and transsexual (LGBT) advocacy organization "Lambda Istanbul" be closed for violating the "general moral rules" of society. Lambda, which appealed to the Court of Cassation (and is allowed to continue operating pending appeal), has vowed to take the case to the European Court of Human Rights if necessary. Government officials were unexpectedly surprised by the ruling; they expected the court to reject the closure application, as other courts in Ankara, Bursa, and Istanbul had in similar cases against other LGBT groups. Though many observers expect the appellate court to reverse the closure ruling, no politician in this socially conservative country is likely to touch the controversial issues of gay rights in the current heated political atmosphere. End Summary and comment.

Istanbul Governor's Office Launches Closure Effort

12. (SBU) LLGBT advocacy organization Lambda Istanbul was founded in 1993 and acquired legal status as an "association" in 2006. According to Human Rights Watch and other groups, in early 2007 the Istanbul Governor's Office sought to close the organization for violating "general moral rules" pursuant to Civil Code Article 56. After reviewing the complaint, the Istanbul Prosecutor's Office recommended the court refuse to accept the case, and the court complied. The Governor's Office appealed the decision to a higher court; the Beyoglu Third Court of First Instance accepted the case in July 2007. On May 29, following six hearings, the court ruled Lambda be closed for violating Article 56.

Government Views Closure as its Obligation

13. (C) Istanbul's Deputy Governor for Associations, Fikret Kasapoglu, told us the Associations Law explicitly forbids organizations relating to religiosity, ethnicity, or sexuality. The case against Lambda fell under this law, as well as Article 56's protection of "general moral rules." Kasapoglu explained that like all candidate associations, when Lambda submitted its application for association status in 2006 it was accepted pending further consideration by the Association's Committee. While the committee processed the application, Lambda was permitted to operate. Following its

review, the committee requested that Lambda "soften its language referencing sexuality" in its by-laws in order to comply with Association Law. Kasapoglu emphasized that the closure case went forward because Lambda failed to comply with this request. The Istanbul court's conservative ruling on May 29 surprised him; he expects the appellate court will reverse.

¶4. (C) Senturk Uzun, MOI Associations Department head, told us his department followed its usual practice of urging the court to close the organization for violating the "general moral rules" of society. He expected the court to follow the lead of previous courts and reject the complaint. Uzun speculated that Lambda had gone further than other gay-lesbian groups in "pushing its agenda." While solidarity with the LGBTT community would be acceptable, promotion of "this kind of attitude" causes "problems." He believed the GOT would be criticized by the media and public if it failed to enforce an existing law in this case. Uzun said Turkey is a conservative country and the "general moral rules" and perception of its citizens are different from those of EU member states that pressure Turkey to reform. Though he welcomed the closure ruling, he predicted the appellate court would reverse, synchronizing the judgment with the existing legal precedent.

Gay-Lesbian Groups Vow to Fight On

¶5. (C) Lambda Istanbul leaders told Turkish reporters they were surprised by the decision. Member Izlem Zybasti noted

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that in similar cases courts in Ankara, Bursa, and Istanbul had rejected requests to close other gay-lesbian organizations that use nearly the same charter used by Lamba. Lambda has appealed to the Court of Cassation, and is allowed to continue operations pending its decision. Zybasti said Lambda would appeal an unfavorable ruling to the European Court of Human Rights.

¶6. (C) Ali Erol, a leader of Ankara-based KAOS-GL, a group that successfully fought off its own closure case in 2005, said Lambda faces an uphill battle even if the appellate court reverses. Though the ruling Justice and Development Party (AKP) enacted progressive financial reforms and tackled some controversial social issues, he said its track record on helping minority groups was poor, as demonstrated by its failed Alevi initiative (reftel). Most of its members are socially conservative, and some, including State Minister and government spokesperson Cemil Cicek, had repeatedly opposed broadening gay rights. Turkey's current tense political climate makes reform all the more unlikely, as no politician will get close to the taboo topic of LGBTT rights.

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